

JUDICIAL COUNCIL MEETING
Administrative Office of the Courts
Malcolm M. Lucas Board Room
455 Golden Gate Avenue
San Francisco, California 94102-3688
April 27, 2007
8:30–11:15 a.m.
Open to the Public

AGENDA

- 8:30–8:40 a.m. **Public Comment Related to Trial Court Budget Issues***
 [Subject to requests]
 *This time is reserved for public comment on discussion agenda
 items relating to trial court budgets.
- 8:40–8:45 a.m. **Approval of Minutes**
 February 23, 2007, business meeting
 [Minutes Tab]
- 8:45–9:05 a.m. **Judicial Council Committee Presentations**
 Executive and Planning Committee
 Hon. Richard D. Huffman, Chair
 Policy Coordination and Liaison Committee
 Hon. Marvin R. Baxter, Chair
 Rules and Projects Committee
 Hon. Suzanne N. Kingsbury, Chair
 [Committee Reports Tab]
- 9:05–9:20 a.m. **Judicial Council Court Visit Reports**
 Hon. Terry B. Friedman, Team Leader
 Ms. Sheila Calabro, Southern Regional Office
 Report on visits to the Superior Court of Orange County and
 the Fourth Appellate District of the Court of Appeal, Division
 Three.
- 9:20–9:30 a.m. **Administrative Director's Report**
 Mr. William C. Vickrey, Administrative Director of the Courts, will
 make a report.
- 9:30–9:40 a.m. **Chief Justice's Report**
 Chief Justice Ronald M. George will report on activities in which he
 has been involved since the last Judicial Council business meeting.

Consent Agenda (Items A1–A12, B–C)

A council member who wishes to request that any item be moved from the Consent Agenda to the Discussion Agenda is asked to please notify Nancy Spero at 415-865-7915 at least 48 hours before the meeting.

ITEM A RULES, FORMS, AND STANDARDS

Civil and Small Claims

Item A1 [Notice of Related Case \(revise form CM-015\) \(Action Required\)](#)

The Civil and Small Claims Advisory Committee recommends revision of the form used by civil litigants to give notice of related civil cases. These revisions would conform the form to recent changes in the rule governing related cases. Revising the form will make it easier for litigants to notify other litigants and courts of related cases, and facilitate determination of the appropriate judicial action under the related-case rule by collecting all of the necessary information.

Staff: Mr. Patrick O'Donnell
 Office of the General Counsel

Item A2 [Requiring Use of Recycled Paper With \(at least\) 30 Percent Postconsumer Fiber \(amend Cal. Rules of Court, rule 1.6\(22\)\) \(Action Required\)](#)

The Civil and Small Claims and Appellate Advisory Committees recommend the amendment of the rule that defines “recycled” paper. The rule presently defines “recycled paper” by reference to a repealed section of the Public Resources Code. The rule would be amended to instead define “recycled paper” by reference to “recycled printing and writing paper” as defined by the current Public Contract Code. The amendment would clarify the rule and conform it to California statutory requirements regarding recycled paper.

Staff: Mr. Patrick O'Donnell
 Office of the General Counsel

Item A3 [Civil Law: Name Change Forms \(revise forms NC-100, NC-120, NC-130, and NC-130G\) \(Action Required\)](#)

The Civil and Small Claims Advisory Committee recommends that four mandatory Judicial Council forms used to petition for a change of name be revised to reflect recent statutory changes that (1) provide that,

if no written objection to a proposed name change is filed at least two court days before the hearing, the court may grant the petition without a hearing; and (2) expand the categories of persons in the domestic violence confidentiality program that are exempted from the requirement of publishing an order to show cause why a petition for name change should not be granted.

Staff: Mr. Patrick O'Donnell
Office of the General Counsel

Item A4

Collections Cases: Service and Case Management (adopt Cal. Rules of Court, rules 3.740 and 3.741; amend rules 3.110, 3.712, and 3.721; and revise form CM-010) (Action Required)

The Civil and Small Claims Advisory Committee recommends new and amended rules and a revised *Civil Case Cover Sheet* form to provide uniformity and increase the efficient handling of collections cases in superior court, consistent with the legal rights and obligations of the parties.

Staff: Ms. Susan R. Goins
Office of the General Counsel

Family and Juvenile Law

Item A5

Juvenile Law: Procedure Regarding Appointments of Appellate Attorneys for Children in Juvenile Dependency Appeals (adopt Cal. Rules of Court, rule 5.661; amend rule 8.412; and approve form JV-810) (Action Required)

The Family and Juvenile Law Advisory Committee recommends adoption of a new rule and amendment of an existing rule to comply with the mandate contained in Assembly Bill 2480 (Evans; Stats. 2006, ch. 385). AB 2480 requires the Judicial Council to adopt a rule, effective July 1, 2007, to articulate the procedures by which trial counsel or a guardian ad litem may participate in a juvenile dependency appeal. The committee recommends adoption of rule 5.661 to guide trial counsel in how to participate in an appeal and make recommendations to the Court of Appeal regarding the appointment of separate counsel on appeal.

Staff: Mr. David Meyers
Center for Families, Children & the Courts

Jury

Item A6

Civil Jury Instructions: Approve Publication of Revisions (Cal Rules of Court, rule 2.1050) (Action Required)

The Advisory Committee on Civil Jury Instructions recommends approval of the publication of revisions and additions to the Judicial Council's *California Civil Jury Instructions (CACI)* that were first published in September 2003 and last revised in June 2006. This proposal includes 9 new and 20 revised instructions on various subjects. These changes are required by developments in the law since June 2006, and to improve the clarity, accuracy, and breadth of the instructions.

Staff: Mr. Bruce Greenlee
Office of the General Counsel

Miscellaneous
Item A7

[Confidential CLETS Information \(adopt form DV-260/CH-102/EA-102; revoke forms DV-260 and EA-102\) \(Action Required\)](#)

AOC staff recommend that the Judicial Council adopt new combined *Confidential CLETS Information* (form DV-260/CH-102/EA-102) to provide information to the courts and law enforcement about protected and restrained persons in domestic violence, civil harassment, and elder and dependent adult abuse prevention proceedings. The two current specialized *Confidential CLETS Information* forms designed for use in domestic violence and elder and dependent adult abuse prevention proceedings would be revoked.

Staff: Mr. Patrick O'Donnell
Office of the General Counsel

Item A8

[Service: Free Service of Orders \(revoke form CH-101/DV-290; revise forms CH-100, CH-120, CH-140, CH-150, DV-100, and DV-520-INFO\) \(Action Required\)](#)

AOC staff recommend that a Judicial Council form specially designed to request free service of certain protective orders, restraining orders, and injunctions in civil harassment and domestic violence prevention proceedings be revoked because the form no longer accurately reflects the law. At the same time, six forms used in civil harassment and domestic violence prevention proceedings should be revised to accurately explain how persons seeking orders may obtain free service of their orders by a sheriff or marshal under current law.

Staff: Mr. Patrick O'Donnell
Office of the General Counsel

Item A9

Miscellaneous Technical Changes to the California Rules of Court and Judicial Council Forms (amend Cal. Rules of Court, rules 3.851, 3.1700, 3.1800, 5.71, 5.560, 5.720, 8.304, and 8.308; repeal rule E; revise forms ADOPT-210, ADOPT-215, APP-004, APP-007, CR-100, CR-125/JV-525, CR-160, CR-161, CR-162, EA-145/WV-145, DV-110, DV-120, DV-130, DV-160, FL-192, FL-391, FL-393, FL-575, FL-692, JV-200, JV-505, and WG-005) (Action Required)

AOC staff recommend making technical and minor substantive changes to miscellaneous rules and forms. These changes are necessary to correct inadvertent omissions, typographical errors, improper formatting, and language inconsistencies, and to clarify the rules and forms at issue.

Staff: Ms. Susan R. Goins
Office of the General Counsel
Ms. Melissa Ardaiz
Center for Families, Children & the Courts

Item A10

Miscellaneous Technical Corrections to Small Claims and Fee Waiver Forms (revise forms SC-101, SC-104C, SC-120, SC-130, SC-150, and FW-001) (Action Required)

The Civil and Small Claims Advisory Committee recommends technical changes to several small claims and fee waiver forms to comply with statutory language, correct information, and correct typographical errors. The forms to be revised are: (1) *Attorney Fee Dispute (After Arbitration)* (form SC-101) to delete references that the claimant can sue about a disagreement for \$7,500 or less, instead of the correct amount of \$5,000 or less, and to delete a footnote on page 2 that defines “natural person” because the increased jurisdictional limit for a claim involving an attorney fee dispute was not raised; (2) *How to Serve a Business or Public Entity* (form SC-104C) to make several corrections on who can be served; (3) *Defendant’s Claim and ORDER to Go to Small Claims Court* (form SC-120) to correct typographical errors on page 1; (4) *Notice of Entry of Judgment* (form SC-130) to correct a form reference; (5) *Information for the Small Claims Plaintiff* (form SC-150) to change the jurisdictional limit for a claim against the Contractors State License Board; and (6) *Application for Waiver of Court Fees and Costs* (form FW-001) to correct several typographical errors.

Staff: Ms. Cara Vonk
Office of the General Counsel

Probate
Item A11

Probate: Private Professional Guardian and Conservator Qualification and Continuing Education Reports (revise forms GC-005 and GC-006) (Action Required)

The Probate and Mental Health Advisory Committee recommends the revision of forms GC-005 and GC-006, forms used by private professional guardians and conservators to report their qualifications for appointment and completion of continuing education required by rules 7.1010 and 7.1060 of the California Rules of Court. These rules, and the local court-statement filing requirement on which they are based, will be replaced on July 1, 2008, by a comprehensive licensing system for most professional fiduciaries, including private professional guardians and conservators. The proposed form revisions are minor, but will ease the transition to the new regulatory scheme.

Staff: Mr. Douglas C. Miller
Office of the General Counsel

Item A12

Probate: Instructions for Starting a Probate Guardianship of the Person and for Serving Documents at the Beginning of the Case (adopt forms GC-505 and GC-510) (Action Required)

The Probate and Mental Health Advisory Committee recommends the adoption of two new instructional forms for probate guardianships, prepared in the “plain-language” format. Form GC-505 would instruct guardianship petitioners on the steps to take to start the proceeding, including guidance on which forms to prepare and file and when they should be filed. Form GC-510 would provide instructions on who must be given notice of the hearing on the guardianship petition, how they must be given notice, how to arrange for service of notice, and how to prove that proper service has been made.

Staff: Mr. Douglas C. Miller
Office of the General Counsel

Item B

Child Support Commissioner and Family Law Facilitator Midyear Funding Reallocation for Fiscal Year 2006–2007 (Action Required)

The Family and Juvenile Law Advisory Committee recommends that the council approve the reallocation of non-trial court funding to local courts for the child support commissioner and family law facilitator program. The funds for this program are provided by a cooperative agreement between the California Department of Child Support Services (DCSS) and the Judicial Council. Two-thirds of these funds

are federal funds and the remaining one-third is state General Fund money (non-trial court funding)

Staff: Mr. Michael L. Wright
Center for Families, Children & the Courts
Ms. Ruth K. McCreight
Center for Families, Children & the Courts

Item C

Court Facilities: Site Acquisition Approval for Fresno County-Sisk Federal Courthouse Renovation (Action Required)

Administrative Office of the Courts (AOC) staff recommend that the Judicial Council take the following actions:

1. Direct AOC staff to proceed with the acquisition of the Fresno County-Sisk Federal Courthouse; and
2. Authorize the Administrative Director of the Courts, or his designee, to approve and execute an agreement for property acquisition and related escrow instructions for the acquisition of the Sisk Federal Courthouse.

Judicial Council approval is a prerequisite to the review and approval and is required by the State Public Works Board for the acquisition of property.

Staff: Mr. S. Ernest Swickard
Office of Court Construction and Management

Discussion Agenda (Items D–F)

Item D

9:40–9:55 a.m.

Ralph N. Kleps Awards for 2006–2007 (Action Required)

The Ralph N. Kleps Awards Committee recommends approval of the recipients of the 2006–2007 Ralph N. Kleps Awards to recognize and honor the innovative contributions made by individual courts in California in the administration of justice.

Presentation (10 minutes)

Speaker: Mr. Michael Planet
Vice-chair, Kleps Awards Committee

Discussion/Council Action (5 minutes)

Item E
9:55–10:25 a.m.

Trial Court Funding Priorities for Fiscal Year 2007–2008
(Action Required)

This item presents recommendations for trial court funding priorities for FY 2007–2008. Once priorities have been approved, AOC staff will gather information from the courts on their needs for funding in these specific areas. After the 2007 Budget Act is enacted and the amount of funding available for the trial courts based on the SAL (state appropriations limit) percentage rate adjustment is known, staff and the Trial Court Budget Working Group will develop recommendations for allocation of the funds, which will be presented to the council at its August 2007 business meeting.

Presentation (15 minutes)

Speaker: Mr. Stephen H. Nash
Finance Division

Discussion/Council Action (15 minutes)

10:25–10:45 a.m. **BREAK**

Item F
10:45–11:15 a.m.

Court Facilities Planning: Update to Trial Court Capital-Outlay Plan and Fiscal Year 2008–2009 Capital-Outlay Funding Requests
(Action Required)

AOC staff recommend adoption of the updated Trial Court Capital-Outlay Plan, incorporating revisions due to (1) the passage of Senate Bill 10 and resulting updated project scores and revised project priority groups, (2) the reevaluation of two capital-outlay projects due to the construction of new courthouses to be completed in 2007, (3) the update to the project budgets to distinguish current need from future growth, and (4) the removal of six projects for various reasons. The updated plan then will be incorporated into the *Judicial Branch AB 1473 Five-Year Infrastructure Plan for FY 2008–2009*. AOC staff recommends it be directed to submit the five-year plan to the Department of Finance, along with the FY 2008–2009 funding requests for land acquisition for future expansion to the existing Fourth Appellate District courthouse in Riverside, initial funding for four new trial court facilities, and initial funding for any new trial court project not included in the final fiscal year 2007–2008 budget. This submission supports the main goals of the court facility improvement program and the mission and policy direction of the Judicial Council in its Long-Range Strategic Plan—Goal III, Modernization of Management and Administration. Meeting the June 2007 deadline for submission avoids delays to the implementation of the trial court capital-outlay program.

Presentation (15 minutes)

Speakers: Ms. Kim Davis

Office of Court Construction and Management

Ms. Kelly Quinn Popejoy

Office of Construction and Management

Discussion/Council Action (15 minutes)

There have been no Circulating Orders since the last business meeting.

There have been no Judicial Council Appointment Orders since the last business meeting.

Annual Report of Special Funds Expenditures for Fiscal Year 2005–2006

(Mandated Legislative Report for Information Only)

[Special Funds Expenditures Tab]

Education and Reporting Requirements Under Welfare and Institutions code

Section 304.7—Legislative Report Transmittal Letter

(Mandated Legislative Report for Information Only)

[Education and Reporting Requirements Tab]

Amendment of Appendix B to the California Rules of Court

Civil Code section 1714.1(c) requires the Judicial Council to compute, adjust, and publish, every two years, the liability limit of a parent or guardian for the willful misconduct of a minor. The Judicial Council has authorized the Administrative

Director of the Courts to make the adjustment.

(For Information Only)

[Cal. Rules of Court Tab]